

## REMARKS

Applicants have amended claims 23, 30, 37, 44, 45, and 52, and have cancelled claims 1-22, during prosecution of this patent application. Applicants are not conceding in this patent application that the subject matter encompassed by said amended and cancelled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue the subject matter encompassed by said amended and cancelled claims, and to pursue other claims, in one or more continuations and/or divisional patent applications.

The Examiner objected to the specification.

The Examiner objected to claims 30, 44 and 52 because of alleged informalities.

The Examiner rejected claims 23-26, 28-30, 32-40, 42-48 and 50-52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. WIPO Publication No. 02/063243) in view of Painter (European Publication No. 1,300,655).

The Examiner rejected claims 27, 41 and 49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. in view of Painter as applied to claims 23, 37, and 45 above, and further in view of Ohler et al. (US Patent No. 6,314,367).

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. in view of Painter as applied to claims 23, 37, and 45 above, and further in view of Russian Metro Map.

Applicant respectfully traverses the specification objections, claims objections and § 103 rejections with the following arguments.

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### **Specification Objections**

The Examiner objected to the specification.

The Examiner argues: "The disclosure is objected to because of the following informalities:... Line 2 of paragraph 44 refers to series of images "35" which should be replaced with --200-- to correspond with the drawings... Paragraphs 72 and 74 contain "image library and route finding mechanism 15" which should be replaced with --image library 15 and route finding mechanism 13-- to correspond with the drawings. The second occurrence of "route finding mechanism 15" in paragraph 72 should also be changed to --route finding mechanism 13--."

In response, Applicant has amended the specification in accordance with the Examiner's suggestions.

Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

### **Claims Objections**

The Examiner objected to claims 30, 44 and 52 because of alleged informalities.

The Examiner argues: "Claims 30, 44, and 52 are objected to because of the following informalities: They lack proper antecedent basis for "the destination path". It is suggested that "destination path" is replaced with --destination location--."

In response, Applicant has amended claims 30, 44 and 52 in accordance with the Examiner's suggestions.

Accordingly, Applicant respectfully requests that the objection to claims 30, 44 and 52 be withdrawn.

**35 U.S.C. § 103(a); Claims 23-26, 28-30, 32-40, 42-48 and 50-52**

The Examiner rejected claims 23-26, 28-30, 32-40, 42-48 and 50-52 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. WIPO Publication No. 02/063243) in view of Painter (European Publication No. 1,300,655).

Applicant respectfully contends that claims 23, 37, and 45 are not unpatentable over Huckle in view of Painter, because Huckle in view of Painter does not teach or suggest each and every feature of claim 23.

An first example of why claims 23, 37, and 45 are not unpatentable over Huckle in view of Painter is that Huckle in view of Painter does not teach or suggest the feature: “determining a device type of the second device during or after said receiving the signal from the first device”.

The Examiner argues: “Huckle et al fails to specifically teach: (re claim 1) determining a device type of the second device during or after said receiving the signal from the first device; ... Painter teaches data conversion applications which determine the type of content required by the users' devices, and then provides format-specific navigation instructions to the users' devices (page 4, lines 18-26).”

In response, Applicant respectfully contends that Painter, page 4, lines 18-26 specifically discloses determining navigation-related information to send to an end user in response to a request by the end user for the navigation-related information pertinent to navigation-related services requested by the end user (Painter, page 4, lines 18-21), wherein “[t]he navigation-related services include information about travel along the road network, including route calculation and guidance. The navigation-related services may also include people and business

finding services (e.g., electronic yellow and white pages), map display, point of interest searching, destination selection, and so on.” (Painter, page 3, lines 28-30).

In other words, determining the navigation-related information pertinent to navigation-related services requested by the end user is totally unrelated to determining the device type of the second device (i.e., the device receiving the navigation-related information) as claimed.

Therefore, Huckle in view of Painter does not disclose the preceding feature of claims 23, 37, and 45.

A second example of why claims 23, 37, and 45 are not unpatentable over Huckle in view of Painter is that Huckle in view of Painter does not teach or suggest the feature: “sending at least one set of images to the second device, ... and wherein a total number of the at least one set of images and a content of each set of the at least one set of images are a function of the determined device type [of the second device]”.

The Examiner argues: “Huckle et al fails to specifically teach: (re claim 1) ... wherein a total number of said sets of images and a content of each set of images are a function of the determined device type... Painter teaches data conversion applications which determine the type of content required by the users' devices, and then provides format-specific navigation instructions to the users' devices (page 4, lines 18-26).”

In response, Applicant respectfully contends that there is no content in Painter, page 4, lines 18-26 disclosing that the total number of images and their content are a function of the device type of the second device to which the at least one set of images is sent.

Therefore, Huckle in view of Painter does not disclose the preceding feature of claims 23, 37, and 45.

Based on the preceding arguments, Applicant respectfully maintains that claims 23, 37, and 45 are not unpatentable over Huckle in view of Painter, and that claims 23, 37, and 45 are in condition for allowance. Since claims 24-26, 28-30 and 32-36 and depend from claim 23, Applicant contends that claims 24-26, 28-30 and 32-36 are likewise in condition for allowance. Since claims 38-40 and 42-44 and depend from claim 37, Applicant contends that claims 38-40 and 42-44 are likewise in condition for allowance. Since claims 46-48 and 50-52 depend from claim 45, Applicant contends that claims 46-48 and 50-52 are likewise in condition for allowance.

In addition with respect to claims 28, 42, and 50, Huckle in view of Painter does not disclose the feature: "wherein the signal does not comprise a starting location from which each route to the destination location is to originate from".

The Examiner argues: "Huckle et al also teaches: ... Wherein the signal does not comprise a starting location from which each route to the destination location is to originate from (page 5, lines 9-13; the user brought up the landmark he or she wishes to get directions to, but did not supply a starting location)".

In response, Applicant notes that Huckle, (page 5, lines 9-13) recites: "Referring to Figures 4a and 4b, from either the 'landmark information' view or the 'street walking' view it is possible to request directions to reach this location from *predetermined starting points (in the*

*example shown the starting points are the nearest Underground or metro station, or one of three mainline stations: in this example, Liverpool St, Fenchurch St, and Cannon St).*"

Applicant asserts that the preceding quote from Huckle, page 5, lines 9-13 discloses that the signal from the user requesting directions to the destination identifies a predetermined starting point.

Accordingly, claims 28, 42, and 50 are not unpatentable over Huckle in view of Painter.

In addition with respect to claims 30, 44, and 52, Huckle in view of Painter does not disclose the feature: "wherein each set of images comprises a furthest image that is furthest from the destination location, and wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location".

The Examiner argues: "Huckle et al also teaches: ... Wherein each set of images comprises a furthest image that is furthest from the destination path, and wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location (page 5, lines 9-13)".

In response, Applicant notes that Huckle, page 5, lines 9-13 recites: "Referring to Figures 4a and 4b, from either the 'landmark information' view or the 'street walking' view it is possible to request directions to reach this location from predetermined starting points (in the example shown the starting points are the nearest Underground or metro station, or one of three mainline stations: in this example, Liverpool St, Fenchurch St, and Cannon St)."'

Applicant asserts that the preceding quote from Huckle, page 5, lines 9-13 does not disclose a ring of images formed collectively by the furthest images of the plurality of sets of images.

Applicant requests that the Examiner explain where and how Huckle, page 5, lines 9-13 discloses a ring of images formed collectively by the furthest images of the plurality of sets of images.

Accordingly, claims 30, 44, and 52 are not unpatentable over Huckle in view of Painter.

In addition with respect to claim 34, Huckle in view of Painter does not disclose the feature: “wherein the method further comprises providing a database that comprises the at least one set of images, wherein *each image* in the at least one set of images *is keyed in the database by the destination location for each route* of the routes defined by the at least one set of images” (emphasis added).

The Examiner argues: “Huckle et al also teaches: ... Wherein the method further comprises providing a database (page 6, lines 1-3) that comprises the at least one set of images, wherein each image in the at least one set of images is keyed in the database by the destination location for each route of the routes defined by the at least one set of images ... (page 6, lines 27-29; each starting location is keyed in to correspond with a destination location).”

In response, Applicant notes that Huckle, page 6, line 23 relates to a “virtual walking”, which means walking through a sequence of photographs from a starting location to a destination (see Huckle, page 4, lines 10-13), which confirmed by Huckle, page 6, lines 9-11 which recites: “The web pages that facilitate the ‘virtual walking’ experience, as well as those giving directions

and landmark information, are constructed 'on-the-fly' by programming code (for example .asp) reading a database." Therefore, each starting location in the 15 fields mention in Huckle, page 6, line 27 points to a single Table 1 record which identifies the next photograph in the sequence of photographs relating to the virtual walking along the route and therefore does not point to a photograph of the destination location of the route as claimed.

Accordingly, claim 34 is not unpatentable over Huckle in view of Painter.

**35 U.S.C. § 103(a): Claims 27, 41 and 49**

The Examiner rejected claims 27, 41 and 49 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. in view of Painter as applied to claims 23, 37, and 45 above, and further in view of Ohler et al. (US Patent No. 6,314,367).

Since claims 27, 41 and 49 respectively depend from claims 23, 37, and 45 which Applicants have argued *supra* to not be unpatentable over Huckle in view of Painter under 35 U.S.C. §103(a), Applicants maintain that claims 27, 41 and 49 are likewise not unpatentable Huckle in view of Painter, and further in view of Ohler under 35 U.S.C. §103(a).

In addition with respect to claims 27, 41 and 49, Huckle in view of Painter and further in view of Ohler does not disclose the feature: “receiving a vote on a usefulness of each received image in the at least one set of images”.

The Examiner argues: “Huckle et al in view of Painter fails to specifically teach: (re claims 27, 41, 49) receiving a vote on a usefulness of each received image in the at least one set of images... Ohler et al teaches an error reporting process for a navigation device (column 11, lines 16-21; and column 12, lines 46-49) in which the reported errors are counted as if they were votes (column 12, line 66 through column 13, line 9)”

In response, Applicant respectfully disagrees with the Examiner’s allegation that the number of errors is indicative of the usefulness (or lack of usefulness) of the received image (or received data for Ohler). For example, it is incorrect to assume that data having two errors is less useful than data having one error if the two errors are not relevant to the usefulness of the received image (or received data) and the one error is material to the usefulness of the received image (or received data).

In further response, Applicant respectfully notes that the preceding claimed feature requires a vote on usefulness is received for *each* received image, which Ohler does not disclose. Instead, Ohler, col. 12, lines 46-49 discloses that errors are received only for errors that have been reported and there is no disclosure in Ohler that errors are reported for *each* received image (or data) as claimed.

Accordingly, claims 30, 44, and 52 are not unpatentable over Huckle in view of Painter and further in view of Ohler.

**35 U.S.C. § 103(a): Claim 31**

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Huckle et al. in view of Painter as applied to claims 23, 37, and 45 above, and further in view of Russian Metro Map.

Since claim 31 depend from claim 23 which Applicants has argued *supra* to not be unpatentable over Huckle in view of Painter under 35 U.S.C. §103(a), Applicants maintain that claim 31 is likewise not unpatentable Huckle in view of Painter and further in view of Ohler under 35 U.S.C. §103(a).

In addition with respect to claim 31, Huckle in view of Painter and further in view of Ohler does not disclose the feature: “ wherein the furthest images of the plurality of sets of images collectively form on a ring of images surrounding the destination location ..., wherein the ring of images is shaped as *a circle whose center is at the destination location*” (emphasis added).

The Examiner argues: “Huckle et al in view of Painter fails to specifically teach: (re claim 31) wherein the ring of images is shaped as a circle whose center is at the destination location... Russian Metro Map teaches a schematic drawing in which the stations on the brown line which form a ring around Moscow are placed in a circle around Moscow.”

In response, Applicant notes that there is no destination location (i.e., station) at the center of the circle around Moscow in Russian Metro Map as claimed.

Therefore, Russian Metro Map does not disclose the preceding feature of claim 31.

Furthermore, Applicant respectfully contends that the Examiner's reason for modifying Huckle by the alleged teaching of Russian Metro Map is not persuasive.

The Examiner argues: "In view of Russian Metro Map's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the method for providing navigational instructions as taught by Huckle et al in view of Painter, (re claim31) wherein the ring of images is shaped as a circle whose center is at the destination location; since Russian Metro Map teaches that placing locations which form a ring into a circular configuration on a schematic map is easier to read."

In response, Applicants cannot find a teaching in Russian Metro Map that placing locations which form a ring into a circular configuration on a schematic map is easier to read. Applicants respectfully request that the Examiner identify specifically where the preceding alleged teaching is in Russian Metro Map.

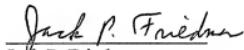
Moreover, Applicants assert that there is no difference in viewing the images for the purpose of following and understanding the route (which is the utility of Huckle's invention) between the images being on a circle and the images not being on a circle, subject to the destination location being at the center of the circle.

Accordingly, claim 31 is not unpatentable over Huckle in view of Painter and further in view of Ohler.

## **CONCLUSION**

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457 (IBM).

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